

MOTOR CARRIER SAFETY ADVISORY COMMITTEE CHARTER

1. COMMITTEE'S OFFICIAL DESIGNATION: The Committee's official designation is the Motor Carrier Safety Advisory Committee (MCSAC).
2. AUTHORITY: The Committee is being reestablished as a discretionary committee under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The formation and use of MCSAC are determined to be in the public interest.
3. OBJECTIVES AND SCOPE OF ACTIVITIES: The Federal Motor Carrier Safety Administrator, or his or her designee, shall present MCSAC with tasks on matters relating to motor carrier safety. The Committee will provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration (FMCSA) about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration and motor carrier safety regulations. MCSAC is FMCSA's only representative stakeholder body.
4. DESCRIPTION OF DUTIES: The members of the Committee shall:
 - a. Attend Committee meetings;
 - b. Gather information as necessary to discuss issues presented by the Designated Federal Officer (DFO);
 - c. Deliberate on issues relevant to commercial motor vehicle safety; and
 - d. Provide written consensus advice to FMCSA.
5. AGENCY/OFFICIAL TO WHOM THE COMMITTEE REPORTS: The Committee shall report to the FMCSA Administrator through the Associate Administrator for Policy. The Administrator is the sponsor of the Committee and accepts or rejects recommendations produced by the Committee.
6. SUPPORT: The FMCSA's Office of Policy will provide necessary funding, logistics, and administrative support for the Committee.
7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS: The annual operating costs associated with the Committee's functions are estimated to be \$250,000, including all direct and indirect expenses. The Agency estimates that 2.5 full-time equivalent positions will be required to support the Committee.
8. DESIGNATED FEDERAL OFFICER (DFO) AND SPONSOR:

- a. The DFO for the Committee is FMCSA's Associate Administrator for Policy or his or her designee.
- b. The DFO shall designate an independent facilitator for Committee meetings.
- c. The DFO will approve or call all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meetings when he or she determines adjournment to be in the public interest, and chair meetings when directed to do so by the FMCSA Administrator.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

- a. Committee meetings will be held approximately three times each year. As necessary, special and subcommittee meetings may be called by the DFO.
- b. Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. The meeting agenda and all relevant meeting information will be posted in advance of each meeting at the website (mcsac.fmcsa.dot.gov).
- c. Meetings shall be open to the general public, except as provided under section 10(d) of FACA (as implemented by 41 C.F.R § 102-3.155), the Government in the Sunshine Act (5 U.S.C. § 522b(c)), and DOT Order 1120.3B.
- d. Detailed minutes of each meeting shall be certified by the DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying at the website (mcsac.fmcsa.dot.gov).

10. DURATION: The MCSAC is a continuing committee, subject to renewal every 2 years.

11. TERMINATION: This charter shall terminate 2 years from its filing date unless renewed in accordance with FACA.

12. MEMBERSHIP AND DESIGNATION

- a. The Committee shall be comprised of no more than 20 members (representatives) appointed by the Administrator for up to 2-year terms.
- b. Members serve at the pleasure of the Administrator, subject to their stated terms.
- c. Members may be reappointed to one consecutive term, up to a maximum of 5 consecutive years.
- d. Members will be selected from among individuals who are not employees of FMCSA and who are specially qualified to serve on the Committee based on their education,

training, or experience. Those members appointed solely for their expertise shall serve as Special Government Employees.

- e. The members shall include representatives of the motor carrier industry (including insurance carriers serving the industry), safety advocates, safety enforcement officials, and nonprofit employee labor organizations representing commercial motor vehicle drivers. Representatives of a single enumerated interest group may not constitute a majority of the committee.
- f. To ensure the recommendations of the Committee have taken into account the needs of diverse groups served by the Department, membership shall include, to the extent practicable, individuals and/or organizations to represent minorities, women, and persons with disabilities.
- g. Members may continue to serve until their replacements have been appointed. Members may be removed for cause by the Secretary, the FMCSA Administrator, or his or her designee.
- h. The Administrator, through the Associate Administrator for Policy, shall designate a chairman and vice chairman from among members of the committee. They will serve 2-year nonrenewable terms. The vice chairman will succeed the chairman at the end of the term.

13. SUBCOMMITTEES: The FMCSA has the authority to establish subcommittees. Subcommittees shall not work independently of the chartered MCSAC and shall report all of their recommendations and advice to the full MCSAC for deliberation and discussion. Subcommittees must not provide advice or work products directly to FMCSA or DOT.

14. RECORDKEEPING: The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

15. FILING DATE: The filing date of this charter is effective October 1, 2013, which is the filing date of this renewed charter. The Committee will remain in existence for 2 years after this date unless sooner terminated or renewed.

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION**

**MEMBERSHIP BALANCE PLAN
OF THE MOTOR CARRIER SAFETY ADVISORY COMMITTEE**

1. COMMITTEE'S OFFICIAL DESIGNATION: The committee's official designation is the Motor Carrier Safety Advisory Committee (MCSAC).
2. AUTHORITY: The Committee is renewed under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. *See* Memorandum of the President entitled, "Regulatory Reinvention Initiative" (March 4, 1995) and Sec 6(a) of Executive Order 12866 (Sept 30, 1993).
3. MISSION/FUNCTION: The committee will provide advice and recommendations to the Administrator of the FMCSA on motor carrier safety programs and motor carrier safety regulations.
4. POINTS OF VIEW: The committee consists of members from FMCSA's stakeholder groups, representing the motor carrier industry (including insurance carriers that provide service to the motor carrier industry), safety advocates, safety enforcement, and labor officials. The MCSAC membership numbers 20, consistent with the statutory membership ceiling.
 - a. The committee may be comprised of up to 20 members, who are selected from among individuals who are not employees of FMCSA and who are specially qualified to serve on the committee based on their specialized experience, education, or training in commercial motor vehicle safety issues. The members include representatives of the motor carrier industry, safety advocates, labor, and safety enforcement officials.
 - b. The Agency seeks every opportunity to achieve greater balance on the committee and has done so since the committee was established in September 2006. As of the most recent selection of members in June 2013, the membership is balanced among the sectors at seven members from industry, five from enforcement, five from safety (one of whom is the current chairman), and three from labor. The terms of all committee members will be renewed for two years with this new charter. With each appointment, the Agency seeks to achieve great balance among the membership sectors.
5. OTHER BALANCE FACTORS: In addition to the factors stated above to balance the committee membership, the Agency seeks balance with regard to the following factors: gender; geographic area; race and ethnicity; expertise; diversity of work sector; and other factors to achieve the most diverse and comprehensive points of view.

6. CANDIDATE IDENTIFICATION PROCESS

- a. When openings arise on the committee, the Agency solicits membership from among the representative sectors through a notice in the Federal Register and other advertisements, as necessary. Adequate time is allowed for candidates to apply or be nominated.
 - b. Upon the closing of the application period, candidate applications are compiled and reviewed and recommendations for membership made by the committee liaison to the FMCSA Associate Administrator for Policy, who serves as the committee Designated Federal Officer (DFO), and then to the FMCSA Administrator for consideration and selection.
 - c. Under the MCSAC Charter, committee members continue to serve until new members have been appointed to replace them. Members may be appointed by the Administrator for up to 2-year terms, and may be reappointed to one consecutive term, up to a maximum of 5 years.
 - d. The White House has issued guidance to executive agencies and departments that federally registered lobbyists not be appointed to agency advisory boards and commissions. Pursuant to this guidance, FMCSA will not consider for appointment to the MCSAC any individual who is subject to the registration and reporting requirements of the Lobbying Disclosure Act. 2 U.S.C. 1605.
7. SUBCOMMITTEE BALANCE: In the event that subcommittees are established, they will be balanced according to the criteria discussed above.
8. DATE PREPARED/UPDATED: This Membership Balance Plan was prepared initially on November 19, 2010, and has been updated in conjunction with the charter every 2 years.